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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,182	01/31/2002	David C. McClure	01-C-050	2696

7590 08/22/2003

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EXAMINER

PHAN, TRONG Q

ART UNIT

PAPER NUMBER

2818

DATE MAILED: 08/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/066,182	MCCLURE, DAVID C. <i>HC</i>
Period for Reply	Examiner	Art Unit
	TRONG PHAN	2818
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>		
<p>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</p> <ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 		
Status		
<p>1)<input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>13 June 2003</u>.</p> <p>2a)<input type="checkbox"/> This action is FINAL. 2b)<input checked="" type="checkbox"/> This action is non-final.</p> <p>3)<input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11, 453 O.G. 213.</p>		
Disposition of Claims		
<p>4)<input checked="" type="checkbox"/> Claim(s) <u>1-49</u> is/are pending in the application.</p> <p>4a) Of the above claim(s) <u>37 and 38</u> is/are withdrawn from consideration.</p> <p>5)<input type="checkbox"/> Claim(s) _____ is/are allowed.</p> <p>6)<input checked="" type="checkbox"/> Claim(s) <u>1-37 and 40-49</u> is/are rejected.</p> <p>7)<input type="checkbox"/> Claim(s) _____ is/are objected to.</p> <p>8)<input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.</p>		
Application Papers		
<p>9)<input type="checkbox"/> The specification is objected to by the Examiner.</p> <p>10)<input type="checkbox"/> The drawing(s) filed on _____ is/are: a)<input type="checkbox"/> accepted or b)<input type="checkbox"/> objected to by the Examiner.</p> <p>Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).</p>		
<p>11)<input checked="" type="checkbox"/> The proposed drawing correction filed on <u>13 June 2003</u> is: a)<input checked="" type="checkbox"/> approved b)<input type="checkbox"/> disapproved by the Examiner.</p> <p>If approved, corrected drawings are required in reply to this Office action.</p> <p>12)<input type="checkbox"/> The oath or declaration is objected to by the Examiner.</p>		
Priority under 35 U.S.C. §§ 119 and 120		
<p>13)<input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</p> <p>a)<input type="checkbox"/> All b)<input type="checkbox"/> Some * c)<input type="checkbox"/> None of:</p> <p>1.<input type="checkbox"/> Certified copies of the priority documents have been received.</p> <p>2.<input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.</p> <p>3.<input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</p> <p>* See the attached detailed Office action for a list of the certified copies not received.</p>		
<p>14)<input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).</p> <p>a) <input type="checkbox"/> The translation of the foreign language provisional application has been received.</p> <p>15)<input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.</p>		
Attachment(s)		
<p>1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3)<input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____</p> <p>4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____</p> <p>5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6)<input type="checkbox"/> Other: _____</p>		

DETAILED ACTION

Drawings

1. The drawings were received on 6/13/03. These drawings are approved.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: External Address, Control Input and Test/Normal in Fig. 4; steps 120, 122, and 128 in Fig. 9. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, a tester probe as recited in claims 6, 8 and 29; a second pair of series-connected transistors as recited in claims 12 and 33; an integrated circuit chip as recited in claims 1-21; a first transistor having a control terminal coupled to a plate line the ferroelectric capacitor as recited in claim 37; the counter having an output coupled to a control terminal of the second transistor as recited in claim 45; a sense amplifier coupled to the plate of the ferroelectric capacitor as recited in claim 46 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-37 and 40-49 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification fails to comply with the enablement requirement as follow:

A) it is not understood what the External Address, Control Input and Test/Normal in Fig. 4; steps 120, 122, and 128 in Fig. 9 really are since they are not described in the specification;

B) it is not understood what a tester probe as recited in claims 6, 8 and 29; a second pair of series-connected transistors as recited in claims 12 and 33; an integrated circuit chip as recited in claims 1-21; a first transistor having a control terminal coupled to a plate line the ferroelectric capacitor as recited in claim 37; the counter having an output coupled to a control terminal of the second transistor as recited in claim 45; and a sense amplifier coupled to the plate of the ferroelectric capacitor as recited in claim 4 really are since they are not shown in the drawings of the present invention.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 8, 11-15, 20, 29, 33-37, 47 and 49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 8 and 29, no antecedent basis for “distinct bit line” (last line).

Claim 11, the phrase “a distinct second transistor” (last line) is vague and indefinite since there is no antecedent basis for “a distinct first transistor”.

Claims 12, 15, 36 and 47, the phrases “a second pad” (line 7) and “a third pad” (line 9) are vague and indefinite since there is no antecedent basis for “a first pad”.

Claims 13, 20 and 34, it is not clear what the relationship between the current level placed on the external pad and the voltage level appearing at the at least one bit line really is.

Claims 14, 35 and 49, no antecedent basis for “the same structure as a portion of the test circuitry”.

Claim 33, the phrases “a second pad” (line 7) and “a third pad” (line 9) are vague and indefinite since there is no antecedent basis for “a first pad”; it is not clear how the second transistor of the second pair of series-connected transistors is activated (last line).

Claim 37, the connective relationship of the first and second transistors is not readable on the drawings of the present invention.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-37 and 40-49 are, insofar as understood, rejected under 35 U.S.C. 102(b) as being anticipated by McClure, 6,584,007.

McClure, 6,584,007, discloses in Fig. 2 a ferroelectric random access memory FRAM device comprising:

memory cell array 31 comprising a plurality of FRAM cells 30 each comprising two transistors and two ferroelectric capacitors;

word lines WL, bit lines BL and plate lines PL;

sense amplifier circuitry S/A, row decoder RD and column decoder CD as shown in Fig. 8;

test circuitry 1 having an output TDWL connected to the gates of transistors 4-7, which each has its source terminal connected to the respective bit lines and its drain connected to the respective external test pad T3 and T4; wherein: during the test mode, the operation of the sense amplifier must be stopped (disabled) (see lines 57-61, column 9).

Double Patenting

10. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double

patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

11. Claims 1-37 and 40-49 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-38 of U.S. Patent No. 6,584,007. Although the conflicting claims are not identical, they are not patentably distinct from each other because the test circuitry as recited in claims 1-37 and 40-49 of the application and test circuitry as recited in claims 1-38 of U.S. Patent No. 6,548,007, is obviously the same.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

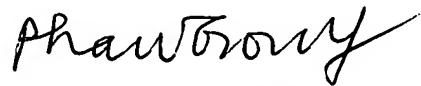
Iwase, 6,600,685, Roohparvar, 6,275,961, Wright et al., 6,550,026, Fukuda et al., 6,275,428 and Merritt, 6,452,845.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TRONG PHAN whose telephone number is (703) 308-4870. The examiner can normally be reached on M-F (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached on (703) 308-4910. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 2818

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



TRONG PHAN
PRIMARY EXAMINER